IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

.....

M.P.NO. 728 /94

PETITIONER : Divisional Forest Officer, Production Division, Dhamdhari, Distt.Raipur.

- VERSUS -

RESPONDENTS : 1. Presiding Officer, Labour Court, Durg.

2. General Secretary, Government Timber Depot and Saw Mill, Mazdoor Sangh, Nagri, Distt. Raipur.

PETITION UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OFINDIA FOR THE ISSUANCE OF A WRIT IN THE NATURE OF CERTIORARI, MANDAMOUS ETC. AND ALSO ISSUE THE NECESSARY DIRECTIONS.

(52)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. 728/94 **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

7.7.2005

Petitioner by Shri Pankaj Shrivastava, Panel Lawyer.

Respondent No.2 by Shri Pankaj Agarwal, Advocate.

Heard.

Learned counsel for the petitioner submits that the members of the Respondent No.2 Union had gone on indefinite strike w.e.f. 6.3.1987, without giving a notice as required under the provisions of the Industrial Disputes Act, 1947(in brief "the Act 1947"). It is stated that except 9 workers namely, Shri Bhuwan Lal Sinha, Shri Govardhan Lal Sahu, Shri Gorelal Soni, Shri Ratanlal Soni, Shri Atma Ram, Shri Arun Kumar, Shri Mahadeo, Shri Pursuttam and Shri Sewak Ram; all other members of the Union joined their duties on 9.3.1987. Therefore, the services of 9 members of the Union were terminated without any enquiry or notice, as according to the petitioner, they were daily wages employees.

The respondent No.2 submitted an application under section 10 of the Act 1947 to the Assistant Labour Commissioner at Raipur complaining about their termination from service. When the conciliation proceedings failed, the matter was referred to the Labour Court for adjudication vide order dated 30.2.1991.

The Labour Court vide its order dated 16.9.1993 held that the termination of the aforesaid 9 workmen was bad and illegal. Accordingly, the Labour Court directed the

(पीछे देखिये)

(53)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

W.P. 728/94

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित — 2 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

petitioner (employer) to reinstate aforesaid 9 employees in the service without back wages.

The petitioner (employer) filed this writ petition under Articles 226 and 227 of the Constitution of India on 3.3.1994 praying that the award dated 16.9.1993 be set aside. The petitioner having complied with the provisions of Section 17-B of the1947 reinstated all the 9 workmen in the service immediately after the order was passed by the Labour Court and they have been working since 1993 on daily wages basis because their earlier employment was also on daily wages basis. After the lapse of about 11 years there is no point in interfering with the findings of the Labour Court.

In view of the above, the petition is dismissed. There shall be no order as to costs.

Sd/-
SATISH K. AGNIHOTRI
Judge

(पीछे देखिये)